

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

AUG - 5 2020

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GENARO ROSAS-VARGAS,

a/k/a "DANIEL TORRES-RAMIREZ,"

a/k/a, "ANGEL GARCIA,"

a/k/a "CHILANGO,"

Defendant.

4:20CR390 SRC/PLC

MOTION FOR PRE-TRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Erin Granger, Assistant United States Attorney for said District, and moves the Court to order defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, et seq.

As for its grounds for detention, the government requests this Court to consider the following factors pursuant to Title 18, United States Code, Section 3142.

1. The defendant is charged in Count I with an offense for which the maximum term of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), possession with the intent to distribute a controlled substance in violation of Title 21, United States Code, Section 841(a)(1). *See* 18 U.S.C. § 3142(e)(3)(A) and (f)(1)(C). Defendant is also charged with Illegal Re-entry in violation of Title 8, United States Code, Section 1326(a).

2. Count I of the Indictment triggers a rebuttable presumption of detention pursuant to Title 18, United States Code, Sections 3142(e)(2)(A), (e)(2)(C), (3)(A), and (3)(B). There are no conditions or combination of conditions which will reasonably assure the appearance of the defendant as required, and the safety of any other person and the community.

3. Defendant was involved in a long term conspiracy to distribute cocaine in the Eastern District of Missouri. Defendant sold cocaine directly to at least one confidential informant on several occasions. At the time the defendant was involved in this conspiracy, he was in the United States illegally.

4. Defendant was removed from the United States on or about October 3, 2003 and returned to Mexico. Despite being removed, Defendant again reentered the United States. He was then removed back to Mexico on July 14, 2006. Defendant then returned to the United States and was again removed back to Mexico on July 26, 2006. Thereafter, Defendant continued to reenter the United States illegally. He was removed to Mexico on August 12, 2011, September 5, 2013, and April 11, 2015. Defendant later reentered the United States and became involved in a conspiracy to distribute cocaine. Defendant has proven he is unable to follow the law and follow directions imposed on him by returning illegally to the United States multiple times.

5. On November 30, 2018, Defendant was convicted of Illegal Reentry in the United States District Court for the Southern District of Texas. Defendant was sentenced to 15 months in the Bureau of Prisons.

6. There is a serious risk that the defendant will flee should defendant be released.

7. The government submits that when considering all of the factors outlined in Title 18, United States Code, § 3142(g), the factors weigh heavily in favor of detention. There is a presumption of detention and there is clear and convincing evidence that no condition or

combination of conditions that will reasonably assure the safety of any other person and the community, or the defendant's appearance in Court.

WHEREFORE, the Government requests this Court to order defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of defendant's initial appearance.

Respectfully submitted,

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UNITED STATES ATTORNEY

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